

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Revocation	)	
	)	
or Suspension of the Educator	)	<b>ORDER OF SUSPENSION</b>
	)	
Certificate of Kimberly C. Odom	)	<b>(BREACH OF CONTRACT)</b>
	)	
Certificate 204140	)	

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on May 13, 2008. On December 20, 2007, the South Carolina Department of Education (Department) sent Ms. Odom notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate resulting from her breach of contract with the Chester County School District (District) for the 2007-2008 school year by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Odom received the notice on December 22, 2007, as evidenced by a postal receipt bearing her signature. On December 30, 2007, Ms. Odom sent a letter to Dr. Jim Rex requesting a private hearing concerning this matter.

On March 20, 2008, a hearing was held, pursuant to Ms. Odom's request. The District was represented by Allison Aiken Hanna, Esquire. Ms. Odom was represented by Donna L. Guffey, Esquire.

After careful deliberation of the evidence presented by the District and Ms. Odom, the hearing officer recommended that the State Board suspend Ms. Odom's educator certificate, number 204140 for a period of twelve months, commencing August 29, 2007 and ending August 28, 2008.

### **FINDINGS OF FACT**

This case concerns a formal complaint by the District seeking the suspension of the educator certificate of Kimberly C. Odom. The State Board has jurisdiction of this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-530 (2004).

Ms. Odom holds a valid South Carolina educator certificate and has over seven years of teaching experience. Ms. Odom was employed by the District as an Assistant Principal at Chester Middle School, in Chester, South Carolina, until she requested to resign from her administrative position effective August 29, 2007.

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On March 20, 2008, a hearing was held concerning the alleged breach of contract of Kimberly C. Odom. On April 17, 2008, the hearing officer, John J. Fantry, Jr concluded that the contract between the District and Ms. Odom was valid. The District did show by "conclusive evidence" that a contract existed between District and Ms. Odom. The District also had shown that the contract was breached on August 29, 2007, when Ms. Odom refused to report to the District for work following maternity leave. Ms. Odom's resignation was for family convenience and not unexpected medical or child care matters. The District requested Ms. Odom's suspension be retroactive to the date of the breach. The hearing officer recommended the State Board suspend the teaching certificate of Ms. Odom, certificate number 204140, for a period of twelve months, commencing August 29, 2007 and ending August 28, 2008.

#### **CONCLUSIONS OF LAW**

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-530 (2004). Failure to comply with the provisions of a contract without the written consent of the local school board is deemed to be unprofessional conduct. Upon the formal complaint of the school board, substantiated by conclusive evidence, the State Board shall suspend or revoke the teacher's certificate, for a period not to exceed one calendar year. State education agencies in other states with reciprocal certification agreements shall be notified of the revocation of the certificate. S.C. Code Ann § 59-25-530 (2004); 24 S.C. Code Regs. 43-58.4 (1976). The State Board finds that there is sufficient evidence supporting its conclusion that Ms. Odom breached her contract with the Chester County School District, warranting the retroactive suspension of her educator certificate for a period of one year, commencing on August 29, 2007, and ending on August 28, 2008. It is, therefore, ordered that the educator

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certificate 204140 of Kimberly C. Odom be suspended for a period of one year,  
commencing August 29, 2007 ending on August 28, 2008.

**AND IT IS SO ORDERED.**

South Carolina State Board of Education

By: 

Al Simpson, Chair

Columbia, South Carolina  
May 13, 2008